

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGELICA PARKER, : Docket #24-cv-00245  
Plaintiff, :  
-against- :  
SCOTT BURSOR, et al., : New York, New York  
January 24, 2024  
Defendants.

-----:

PROCEEDINGS BEFORE  
THE HONORABLE ROBYN F. TARNOFSKY  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
None				

1                   THE DEPUTY CLERK: Good morning, everyone.  
2 Today we have case 24-cv-245, Parker vs. Bursor.  
3 Judge Robyn Tarnofsky is presiding. She is  
4 currently in the conference.

5                   THE COURT: Good morning, everyone, and  
6 thank you for being here.

7                   Mr. Burstein, it's your application. Why  
8 don't you get started?

9                   MR. BURSTEIN: All right. Thank you, Your  
10 Honor.

11                  We're asking for a limited sealing order so  
12 that the complaint in this matter is sealed. We  
13 find ourselves in a very difficult situation. This  
14 is not the normal case. Ms. Parker, were making  
15 just the core allegations, I'd be in a very  
16 different procedural posture and have a very uphill  
17 battle.

18                  And I apologize for the noise behind me.  
19 I'm actually in a waiting room of a medical center,  
20 waiting for my fiancée to come out. So I'm sorry  
21 for the noise.

22                  I have a client who's been threatened with  
23 all sorts of extraneous, devastating claims, such as  
24 he molested his children, that he's raped multiple  
25 women. Ms. Parker -- this is not sort of

1 hypothetical. There are tons of texts with these  
2 threats. Ms. Parker actually sent a letter to all  
3 the lawyers in his law firm accusing him of all  
4 these things. Mr. Parker has children of whom he  
5 has 50 percent custody, and the notion that it would  
6 then become public that this false allegation that  
7 he even molested them, this is the kind of thing  
8 that can destroy somebody for literally no solid  
9 reason.

10 And as I said before, this is an unusual  
11 case also because Ms. Parker has previously been  
12 sanctioned for bringing a lawsuit for an improper  
13 purpose. I understand that people have a right to  
14 sue, but they don't have a right, as the case law  
15 says to, I think *Lugosch* said, to bring allegations  
16 that get before the Court only to determine that  
17 they're improper.

18 Now, is it possible that she could plead  
19 something that I would lose on a sealing motion?  
20 Yes, but I'm not asking for anything other than to  
21 see that the complaint is filed in the first  
22 instance under seal.

23 Your Honor might review it and say, no,  
24 there's nothing problematic here. And that's Your  
25 Honor's obvious right. I would ask for an

1 opportunity to make an appropriate motion, but this  
2 is an extraordinarily limited application, and it's  
3 brought on because of the unusual procedural posture  
4 of this case. I think our papers are laid out in  
5 probably too much detail.

6 So unless Your Honor has any more  
7 questions, I think that I've made our argument, and  
8 I don't see that I can add much more to what's in  
9 our papers, unless Your Honor has questions.

10 THE COURT: Thank you, Mr. Burstein.

11 And I do have a question. And my question,  
12 you know, whether even if I had a complaint in front  
13 of me that said Mr. Bursor raped multiple unnamed  
14 women and molested unnamed children who are not  
15 identified as his and who are not identified by name  
16 as required to protect minors under FRCP 5.2, would  
17 you be making this motion to seal?

18 MR. BURSTEIN: Yes, I would.

19 THE COURT: Well --

20 MR. BURSTEIN: Yes.

21 THE COURT: And then I guess my other  
22 question is, how do you think I could grant it under  
23 *Lugosch*? Which tells me that the public has a  
24 strong interest in seeing complaints, not because  
25 they have a right to know Mr. Bursor's private

1 business, but because they have a right to evaluate  
2 how the Courts are doing their job, which they can  
3 only do if they see the Court papers that are filed.

4 MR. BURSTEIN: I understand that. But by  
5 the same token, in this unusual situation -- and we  
6 don't know exactly what's going to be filed. That's  
7 the first question. So we simply don't. And  
8 also --

9 THE COURT: So I guess my other point  
10 though, Mr. Burstein, is, you don't know what's  
11 going to be filed and yet an application to seal, if  
12 granted, and certainly a TRO and PI, if granted,  
13 require specific, concrete factual findings on the  
14 record about what exactly it is that justifies  
15 overriding this strong presumption that core  
16 judicial documents like complaints, are going to be  
17 available to the public. What can I base those  
18 findings on, besides the possibility that the  
19 complaint is going to include the stuff we're  
20 talking about?

21 MR. BURSTEIN: Well, I think, Your Honor,  
22 the difference in this case is you have a history of  
23 text with Ms. Parker making these claims. And we  
24 should understand here, the allegation in this case,  
25 and I'm not going to get into the truth of it or

1 not, is simply that -- and I don't say simply  
2 because it's a horrible allegation, that there was a  
3 sexual assault and a rape. Those are the  
4 allegations. The notion that he's a pedophile  
5 certainly would not have any basis and would be  
6 inappropriate. The fact that there has been threats  
7 that -- I don't think you've ever seen threats where  
8 a plaintiff says, I don't care about money, I only  
9 want to destroy you publicly. I think that this is  
10 a situation where, if I am right and there's  
11 overwhelming evidence that that's exactly what's  
12 going to happen, that a very brief TRO, to look at  
13 it, and then if Your Honor believes that either it's  
14 all appropriate or if there's a portion of it that  
15 should be struck or sealed for the short term,  
16 that's not an impact on the public in the short  
17 term. Because if I'm wrong, they've lost two weeks  
18 of having something public.

19 This is not asking for a sealing of a case.  
20 This is asking to Your Honor to not make a final  
21 determination about the public having rights. The  
22 public's rights will be vindicated very promptly if  
23 they have the rights in this situation. But by the  
24 same token, if they don't, if this is something that  
25 should be stricken, then I have a defendant who

1 employs 70 people, who is going to -- with a law  
2 firm that's been sued for no conceivable reason, is  
3 asking just to be protected in the very short run,  
4 because there's an overwhelming amount of evidence  
5 that this is going to happen.

6 This is just -- I have a plaintiff who is  
7 making allegations about hitmen being sent out to  
8 take her toes, none of which is really supposed to  
9 be in a complaint, and a TRO with a very short  
10 return date. Make me -- Your Honor, send a TRO --  
11 her complaint is due, I think, Monday of next week.  
12 If you file under seal and you ask me to make  
13 another submission on Tuesday, you'll have  
14 everything that Your Honor can decide. But what I'd  
15 say to Your Honor is, that if I'm right, the damage  
16 is done. And if you weigh that under *Lugosch* and  
17 you weigh that under *Brown*, one of the issues is  
18 that, yes, there's a weighing process, but if you  
19 don't grant the relief, you're not going to be able  
20 to weigh.

21 THE COURT: I mean, Mr. Burstein, can you  
22 point me to any case where this relief, kind of  
23 relief was granted under these circumstances?

24 MR. BURSTEIN: No.

25 THE COURT: No.

1                   MR. BURSTEIN: No, because this is a hugely  
2 unusual procedural case where the case was removed  
3 to the federal court. So once it's removed to the  
4 federal court with it --

5                   THE COURT: No. And I understand, right,  
6 this is an artifact of the sort of unique, or at  
7 least unusual New York procedure that allows you to  
8 start a complaint by summons and notice.

9                   But look, I am certainly sympathetic to the  
10 reputational concerns. I am more than sympathetic.  
11 I am deeply troubled by the possibility that minor  
12 children could be harmed by the filing of this  
13 complaint. And while Rule 5.2 says that the names  
14 of minor children have to be included only as their  
15 initials -- or redacted, to the extent that there is  
16 a filing that identifies the children that he  
17 allegedly molested as his children, there's no  
18 hiding their identity. And I'm extremely concerned  
19 about their privacy.

20                  But beyond that, nothing that you have  
21 described to me is the type of information that can  
22 be kept out of the public view under the governing  
23 case law, other than the identity of children that  
24 he's allegedly molested. There are lots of cases  
25 out there where people are accused falsely of doing

1 terrible things. And the way our system works is,  
2 that there is an expectation that the public can see  
3 it so it can evaluate how the judges are doing their  
4 function.

5 As a practical matter, the complaint is due  
6 Monday. I'm going to issue a report and  
7 recommendation today. I imagine you are going to go  
8 directly to Judge Clarke with an objection. But  
9 then plaintiff has 14 days to respond to that  
10 objection. I don't know whether Judge Clarke is  
11 going to rule before that time without having the  
12 benefit of plaintiff's thoughts on the matter.

13 What I'm inclined to do is, my report and  
14 recommendation doesn't cause anyone to do anything,  
15 and therefore, nothing happens until there's an  
16 order issued. So I will issue my reporting  
17 recommendation. The status quo will remain the same  
18 with respect to your filings, so then the issue --  
19 you know, until Judge Clarke makes her ruling.

20 So the issue really is know the status of  
21 the filings in support of your TRO and PI motion,  
22 but what Ms. Parker files on the docket between  
23 today and Monday -- and I guess with that, I would  
24 ask Ms. Parker what her intentions are with respect  
25 to filing the complaint and whether it is the case

1 that, Ms. Parker, you plan to file a complaint that  
2 includes the allegation that Mr. Bursor has molested  
3 his own children.

4 MS. PARKER: Hello, Your Honor. So I want  
5 you to know that all of the claims that I am making  
6 are absolutely credible, provable, and everything  
7 that I'm saying is very verifiable. Both Mr.  
8 Burstein and Scott have the evidence of this, and  
9 they know their wrongdoing.

10 I don't have an attorney because they've  
11 removed them from me. So my complaint -- I haven't  
12 even had a chance to file my complaint yet. It's  
13 due, and it will be given as soon as it's due, very  
14 soon. I'm just doing the best I can because I'm  
15 representing myself, but I can absolutely just  
16 within -- I don't know if it's right, but I can  
17 absolutely play for you just two of the main claims  
18 where Scott says he's going to absolutely rape me.  
19 I have it on my audio. It's only, like, 20 seconds  
20 long. And all of the claims that I'm making are  
21 very credible, very provable, and very real, and  
22 there's a ton of evidence and witnesses to back it  
23 up.

24 THE COURT: So I understand, Ms. Parker,  
25 that you feel very strongly about your claims and

1 believe that you can prove them. I do understand  
2 that.

3 The question I'm asking you is a little bit  
4 different. And let me just try to explain. I  
5 understand that you're pro se.

6 MS. PARKER: Yeah.

7 THE COURT: The issue is that even if it is  
8 true that -- and we're now only talking about the  
9 question of whether Mr. Burson has molested his  
10 children or any other children. Not the claim that  
11 he raped you.

12 MS. PARKER: Right. Or raped me -- and  
13 raped me.

14 THE COURT: With respect to the claim that  
15 he raped you, you are entitled to publicly make that  
16 claim and to file a complaint --

17 MS. PARKER: Right. Right. Thank you,  
18 Your Honor.

19 THE COURT: -- that says that.

20 With regard to the claim that he molested  
21 his own children, I don't believe that you are  
22 permitted to make that claim publicly. I believe  
23 that you can say in a general way that he is a  
24 pedophile.

25 MS. PARKER: Yes.

1                   THE COURT: But if you say he molested his  
2 own children, that hurts not just him, but that  
3 hurts the children who are minors and who have a  
4 right to privacy and to have a right not to have it  
5 say in a public place that they are the victims of  
6 child molestation.

7                   MS. PARKER: Yes. Your Honor --

8                   THE COURT: So my question to you isn't  
9 whether you're planning to say in your complaint  
10 that he raped you. My question is whether you're  
11 planning to say in your complaint that he molested  
12 his children.

13                  MS. PARKER: Your Honor, so with that being  
14 said, I have never actually specifically said that.  
15 He tends to bring his younger children on trips with  
16 us for over five years, including sometimes their  
17 friends.

18                  So my only allegation, what Mr. Burstein is  
19 making is that I felt it was very unsafe,  
20 considering I've been around the man for many years,  
21 and I've seen what happens around. So what Mr.  
22 Burstein is saying is that I was scared -- you know,  
23 they're very young children and they've traveled  
24 with us, and he is not in the right state of mind,  
25 Mr. Bursor.

1                   And my only threat that I've ever made, I  
2 would never do that publicly, because he has only --  
3 he's publicly posted that he's very interested in  
4 very young girls. It's a public knowledge. It's on  
5 his Instagram that virgins, very young things --  
6 I've traveled with him and his family for many  
7 years, his young girls. And my only request was  
8 that he does not bring the younger girls and their  
9 friends, because they're not even barely in college,  
10 around his trips. That was kind of the only intent  
11 with that.

12                  THE COURT: I mean, look, maybe I need to  
13 be clearer.

14                  MS. PARKER: Yes.

15                  THE COURT: You may not file on the public  
16 docket a complaint that says that Mr. Bursor has  
17 molested his own children --

18                  MS. PARKER: Unless he said it himself. I  
19 understand.

20                  THE COURT: No, not even if he said it  
21 himself.

22                  MS. PARKER: Okay.

23                  THE COURT: You cannot file on the public  
24 docket --

25                  MS. PARKER: I wouldn't.

1                   THE COURT: -- a complaint that includes a  
2 claim that he molested his own children or that he  
3 molested an identified other minor person.

4                   MS. PARKER: Yes, I understand.

5                   THE COURT: You can say he's a pedophile.  
6 You can say he has molested minor children.

7                   MS. PARKER: Correct.

8                   THE COURT: You cannot say who those minor  
9 children are. And saying that he molested his own  
10 children necessarily indicates who they are.

11                  MS. PARKER: I understand, Your Honor.

12                  THE COURT: So to protect the privacy of  
13 minor children, if you are going to file a complaint  
14 accusing him of being a pedophile and molesting  
15 children, you need to come into the pro se intake  
16 office, and they will explain to you how you can  
17 file one version of the complaint that identifies  
18 everyone and everything that happened, which will be  
19 kept in a sealed envelope in a vault. And another  
20 version of the complaint that whites out any  
21 identifying information about minor children, his  
22 own or anyone others. Do you understand that?

23                  MS. PARKER: I do.

24                  THE COURT: Because this is very important.

25                  MS. PARKER: I do, Your Honor.

1                   THE COURT: If you file something on the  
2 public docket that discloses identifying information  
3 that specific, identifiable minor children were the  
4 victims of child molestation by Mr. Burson, you will  
5 be sanctioned.

6                   MS. PARKER: No, I understand. I  
7 absolutely understand, Your Honor.

8                   THE COURT: And that is not to protect Mr.  
9 Burson. That is to protect these children.

10                  MS. PARKER: No, I absolutely understand.  
11 That's my only goal.

12                  The main concern is the rape that's been  
13 done to me. So I have no intent at all whatsoever  
14 at all, to say anything public at all about Mr.  
15 Burson with children. I'm much more concerned with  
16 the actions he's taken on me. And unfortunately,  
17 because he's been a part of my life for many years,  
18 the children have been included because I've spent  
19 an extraordinary amount of time with them, and I was  
20 trying to just protect them.

21                  I know -- I understand very much that  
22 obviously, that cannot be the most important thing  
23 is protecting children. But the main concern is the  
24 rape that's been done to me and many other things,  
25 but mainly that. And the fact that he's trying to

1 move it to different jurisdictions, and I haven't  
2 even had a chance to file -- my complaint is due. I  
3 haven't even had a chance to file it yet. So it  
4 will be filed.

5           But, yeah, the main concern is, I would  
6 never want to hurt any child. He knows that better  
7 than anybody. It's more about what he's done to me.  
8 I just looked out for the children, and I've told  
9 him this is the only reason. Mr. Burstein knows  
10 this. Because I said that I did not want children  
11 involved in his actions and his crimes and around  
12 these kinds of things.

13           I was very close to his children. He had  
14 three little girls -- you know, very close to them  
15 for many years. So my only concern was that I was  
16 able to get the justice for myself and that these  
17 children wouldn't be exposed to the crimes that he's  
18 committed and that he publicly posts online about  
19 virgins and young and the amount of audio. And I'm  
20 very happy to play it for you. It's only 22 --

21           THE COURT: This is not -- this session is  
22 not about proving your claims.

23           MS. PARKER: Okay.

24           THE COURT: Right now, the only thing we're  
25 talking about are issues surrounding whether or not

1 the complaint, which is how you -- the next step in  
2 the litigation, it's not the proof, it's just where  
3 you say what it is that you want to prove. It's  
4 about the confidentiality of that document and  
5 whether that document is going to be publicly  
6 available. And my belief is that it should be  
7 publicly available except to the extent that it  
8 includes anything specifically identifying any minor  
9 children.

10 MS. PARKER: Absolutely.

11 THE COURT: If you are planning to say  
12 anything about any minor child in this complaint --

13 MS. PARKER: No.

14 THE COURT: -- before you file it, you need  
15 to come in in person to the pro se intake office and  
16 talk to them.

17 You know what? We just lost Mr. Burstein.  
18 And therefore we're now ex parte. And so I am going  
19 to halt the conference until he rejoins. And I'm  
20 going to mute my mic and step away for now until he  
21 rejoins.

22 MS. PARKER: I appreciate it, Your Honor.

23 And I just want you to know that by no  
24 means do I intend to at all include children in  
25 this. That was my main concern of my defense, to

1 make sure they're not. So I just want you to  
2 understand that I have no intent at all to  
3 include --

4 THE DEPUTY CLERK: Ms. Parker?

5 MS. PARKER: YES.

6 THE DEPUTY CLERK: We appreciate it if you  
7 can continue when counsel is back online. Please  
8 note that the judge has stepped away from her desk  
9 so further statements will not reach her.

10 MS. PARKER: I understand. Thank you.

11 THE DEPUTY CLERK: Thank you.

12 MS. PARKER: Do I call back or what should  
13 I do now?

14 THE DEPUTY CLERK: No. No. No. You could  
15 stay on. You could just hold off on any further  
16 statements until we get the counsel back.

17 MS. PARKER: Yeah. Thank you.

18 THE DEPUTY CLERK: Well, we'll let you know  
19 when that happens. We see on our screens.

20 Okay. One second while I'll get --

21 MR. BURSTEIN: Yeah. Your Honor, I'm  
22 very --

23 THE DEPUTY CLERK: One second while I get  
24 the judge. One second. One second. One second.  
25 We halted the conference to wait for you to join

1 back.

2 MR. BURSTEIN: Thank you. I don't know  
3 exactly what happened.

4 THE DEPUTY CLERK: No, it's fine. I just  
5 wanted to let you know that we paused for the time  
6 being, and I will go get the judge now.

7 MS. PARKER: Thank you, Mr. Burstein.

8 THE COURT: Okay, I am back. Yes.  
9 Technology glitches happen.

10 MR. BURSTEIN: I apologize, Your Honor.

11 THE COURT: I really understand. Like I  
12 said, technology glitches happen.

13 Okay. So my plan is this. My plan is to  
14 issue a report and recommendation today. It will  
15 say that -- recommend that Judge Clarke unseal the  
16 docket entries that you sealed. I think it's, I  
17 don't know, 13, 14, 15 and 16, except to the extent  
18 that there are references to molestation of minor  
19 children. I'm going to recommend that she direct  
20 you to refile on the docket within seven days of her  
21 order, assuming that she agrees with me. And if she  
22 doesn't, she'll tell you exactly what it is she  
23 wants to do. That you file a redacted version that  
24 takes out references to molesting his own children,  
25 because just the fact of having that on the docket

1 is harmful to those kids. And Ms. Parker is  
2 admonished that she not file a complaint that  
3 contains any references that are not whited out to  
4 the claim that Mr. Bursor molested his own children  
5 or any other claims that he molested identified  
6 children at all.

7           If she is going to include those kinds of  
8 claims in her complaint, she needs to come into the  
9 pro se intake office to make her filing so that they  
10 can assist her with filing a redacted version that  
11 takes out references to molesting children on the  
12 public version. And the sealed version in the  
13 vault, can say whatever she wants.

14           At that point in time --

15           MR. BURSTEIN: May I just be heard for one  
16 more minute?

17           THE COURT: Of course.

18           MR. BURSTEIN: What I was going to say is,  
19 just by example, there is a difference between  
20 somebody respectfully -- and I think this is clear  
21 with *Lugosch* and other cases. Let's assume for the  
22 moment that she also put in an allegation completely  
23 unrelated to this proceeding which said, and by the  
24 way, he killed three heads of state.

25           Now, in that circumstance, there's got to

1 be some protection in this situation. And the  
2 burden on the Court and the public is very, very,  
3 very minimal. Nobody's saying, and I'm certainly  
4 not saying, that anything that's appropriately there  
5 within the realm of possibility is fine. But if you  
6 have someone who's already stated it, and it's very  
7 clear in the papers that she's intending on filing  
8 for an improper purpose, to a large degree, the  
9 burden on --

10 MS. PARKER: Mr. Burstein, I would never --

11 THE COURT: Okay, we're going to be one at  
12 a time. One at a time.

13 MS. PARKER: Sorry.

14 MR. BURSTEIN: I think that you have a  
15 history. You know, this is a chance. What is it?  
16 The animals will be out before the barn door closes.

17 And at least, maybe the answer is that I  
18 give Ms. Parker another week to file. And in the  
19 interim, I mean, I certainly would like to have a  
20 chance to go to Judge Clarke, and I would like a  
21 chance to go to the Court of Appeals if necessary.

22 You know, but I shouldn't be, respectfully,  
23 put in a position where Your Honor issues a report  
24 recommendation. There's no restraint in place, even  
25 for a day or two, before I can get to Judge Clarke,

1 and then I don't have any remedy left.

2 So at a minimum, I'd ask the Court to give  
3 me a day or two to go to Judge Clarke. And if she  
4 says she agrees with Your Honor, then at that point,  
5 I'd like an opportunity to go to the Court of  
6 Appeals.

7 But the way that Your Honor has structured  
8 it now, I could well be left -- or my client could  
9 be well left with no remedy whatsoever, because I  
10 don't think, respectfully, that the public interest,  
11 which I know is strong in an open court process, is  
12 the least bit harm for a few days of things not  
13 being on the public docket. So all I'm asking at  
14 this point is --

15 THE COURT: But, Mr. Burstein, it's not  
16 only my concern that the public will be harmed by a  
17 temporary sealing of the complaint. It's also that  
18 nothing that you have pointed me to, except claims  
19 that would identify particular minor children as  
20 having been molested is, in my view, something that  
21 would be sealed in the merits of a sealing analysis  
22 under the governing case law. And that would  
23 include a claim that Mr. Bursor is laundering money  
24 and dealing drugs. That would include an allegation  
25 that he is molesting children, as long as they're

1 not identified.

2 You know, I'm sorry that he is facing this  
3 litigation. I think it's, you know, a problem with  
4 our system that there are people who are hurt as a  
5 result of the determination we've made as a society  
6 that we place such a high value on the openness of  
7 the Courts. But whether that's a right  
8 determination or a wrong determination, that's the  
9 determination that I'm bound by.

10 MR. BURSTEIN: I guess my only point, Your  
11 Honor, would be, obviously, you're the judge, so  
12 whether I disagree doesn't make too much of a  
13 difference. But if someone is making an allegation,  
14 for example, that he's a money launderer, where  
15 she's not damaged by that information, she's not  
16 seeking damages based upon it, it's only placed in  
17 the complaint to harm Mr. Bursor's reputation, it  
18 would be stricken because it's completely  
19 irrelevant.

20 The notion that she can come in and make  
21 horrific claims that there are no relationship to  
22 her underlying claims, that is something that's  
23 different. What is the conceivable relevance to him  
24 being a drug dealer and a money launderer when the  
25 claim is that he raped her? There's just no

1 connection. And that's all I'm talking about.

2 I said right from the start --

3 MS. PARKER: Your Honor --

4 MR. BURSTEIN: I just wanted to finish one  
5 thing. If Ms. Parker were coming in with, even if  
6 she said he had raped other people, I would  
7 understand that's relevant. But if she's going to  
8 add things which, for example, could never, ever be  
9 admitted into evidence under any circumstances, and  
10 that would be harmful to somebody, that's my  
11 concern. I don't know why -- that's where I think  
12 the unfairness lies. And --

13 THE COURT: And I hear you, right. But the  
14 remedy that we operate -- the way our system works,  
15 is the remedy for that. The remedy for harmful and  
16 extraneous allegations being contained in this  
17 complaint is not sealing the complaint. It's making  
18 a motion to strike those portions of the complaint  
19 and then being vindicated or not vindicated when the  
20 Court rules or doesn't rule in your favor, striking  
21 or not striking those allegations.

22 MR. BURSTEIN: Although *Lugosch* says that  
23 it's a weighing factor -- and one of the things that  
24 it weighs is, for example, the eligibility of  
25 sanctions. Sanctions are not going to make a

1 difference for a pro se plaintiff.

2 In the weighing process, I would say that,  
3 Your Honor, given the history here and given what  
4 we've seen, that Your Honor would not at least have  
5 a chance.

6 I guess if Ms. Parker were saying, I'm only  
7 going to allege the rape at this point, that's not  
8 problematic. It's just this extraneous stuff. And  
9 there is no hard and fast rule under *Lugosch*.  
10 *Lugosch* says it's a weighing thing and specifically  
11 says that part of the weighing process is for a  
12 Court to look at allegations which would not come  
13 before them, but for their irrelevance and  
14 impropriety. And the goal here in this circumstance  
15 is, respectfully, is that if that's what the test is  
16 and what *Brown* says about, it's the obligation of  
17 the Courts not to allow this, where somebody is  
18 threatening to do this, to say, well, let's find out  
19 if she does it before, and then we can deal with it  
20 afterwards. Which is respectfully, not what *Lugosch*  
21 says. It is not what *Brown* says. It says there has  
22 to be a weighing process. In the unusual  
23 circumstance here is this -- is the case where -- it  
24 just -- I've made my point, Your Honor.

25 THE COURT: And I understand your point,

1 and I understand that it's a weighing exercise, but  
2 the presumption in favor of public access to a core  
3 document like a complaint, is so heavy that it takes  
4 a lot to overcome that.

5 Let me ask you this, Ms. Parker.

6 MS. PARKER: Yes.

7 THE COURT: Do you have a date by which you  
8 intend to file your complaint?

9 MS. PARKER: Absolutely, Your Honor.

10 Because I've had attorneys trying to help me in the  
11 past, and Mr. Burstein and Scott also removed them  
12 to make sure that I don't have a voice.

13 I am absolutely going to be filing a  
14 complaint. I know the due date, and it hasn't even  
15 been filed yet because they're moving very fast  
16 against me, and I'm by myself, kind of.

17 So absolutely there will be a complaint  
18 filed, but there should not be motions before even a  
19 complaint was even filed. And I want to be clear, I  
20 absolutely do not intend to involve children.

21 THE COURT: I appreciate the point you're  
22 making about children, and I understand you plan to  
23 file your complaint. And I understand as a pro se  
24 litigant, it can be difficult to complete drafting a  
25 complaint and filing a complaint.

1 MS. PARKER: Yes.

2 THE COURT: My question to you is, do you,  
3 as we are sitting here today, know when you plan to  
4 file? I'm not going to hold you to it. I'm just  
5 asking you the question.

6 MS. PARKER: No, absolutely. So I know my  
7 deadline is January 31, and I'm doing it as fast as  
8 I can. But being pro se, obviously, it's a little  
9 bit more difficult, but it will absolutely be filed  
10 in the next few days, and definitely before the  
11 date.

12 THE COURT: My question to you then --

13 MR. BURSTEIN: To extend the time.

14 THE COURT: Yes.

15 MS. PARKER: Yes.

16 THE COURT: Does it make sense to agree to  
17 extend the deadline for filing the complaint? Would  
18 you agree to --

19 MS. PARKER: I don't need to --

20 THE COURT: -- not file the complaint until  
21 February 29 or February 15? Pick a date.

22 MS. PARKER: I'm comfortable to prepare it.  
23 It's been difficult on me. Obviously, as you  
24 understand, I'm pro se, but I'm doing it as fast as  
25 I can. I know the deadline is -- so I don't need an

1 extension or anything like that. It will absolutely  
2 be filed at the date --

3 THE COURT: And I understand, and I'm  
4 asking a somewhat different question. I understand  
5 that you would get it in by the deadline if you're  
6 required to do that.

7 MS. PARKER: Yes.

8 THE COURT: I'm saying, would it make more  
9 sense for this case, for everyone to give you a  
10 chance to finish in the way that you want to finish  
11 without feeling so much pressure and to give Mr.  
12 Burstein a chance to take my order to the district  
13 court judge for an appeal and for an objection and  
14 to the Court of Appeals for an appeal, if she also  
15 rules against him. Would it make sense to say, all  
16 right, let's just slow everything down and agree  
17 that you don't have to and will not file your  
18 complaint until, say, we can pick a day, February  
19 15, February 29, one of those two days? Would that  
20 make sense?

21 MS. PARKER: That absolutely makes sense.  
22 I want to do the best that I can. I'm trying the  
23 best that I can by myself to get through this. I  
24 wasn't asking for an extension, but if it makes  
25 sense to you and Mr. Burstein, absolutely, I will do

1 that. But I'm preparing my complaints, and I was  
2 just trying to follow the prep of pro se law to file  
3 it at the right time.

4 THE COURT: And I appreciate your efforts  
5 as a pro se litigant to comply with the rules. I  
6 know it can be difficult.

7 MS. PARKER: It's very difficult.

8 THE COURT: Why don't we then say, and I'll  
9 put this in the order, that your time to file a  
10 complaint is extended through and including up until  
11 February 29, 2024, and that you indicate that it's  
12 your intent to file the complaint on that date.

13 MS. PARKER: Absolutely. Of course.

14 THE COURT: Okay. Is that going to give  
15 you the time you need, Mr. Burstein?

16 MR. BURSTEIN: Your Honor, yeah. I was  
17 just hoping that we could have it in essence, since  
18 we're on the record, is that a stipulation that she  
19 will not file before that date.

20 THE COURT: Are you agreeable, Ms. Parker,  
21 to agreeing not just that you have until February 29  
22 to file your complaint, but that you will not file  
23 until then? You will not file before then?

24 MS. PARKER: I absolutely agree. But the  
25 complaint, because I'm pro se and it's online, it

1       says that it's due on the date. So as long as you  
2       will --

3           THE COURT: I will issue an order making  
4       clear that it is not due until February 29.

5           MS. PARKER: Okay. Thank you.

6           THE COURT: And I will also issue -- I will  
7       sign, if you, Mr. Burstein, submit a stipulation --

8           MS. PARKER: What's the implications of  
9       waiting?

10          THE COURT: I'm sorry, I didn't hear that.

11          MS. PARKER: What is the implications of,  
12       like, waiting? I'm sorry.

13          THE COURT: So the implication of waiting  
14       is that you aren't telling your story as soon as you  
15       would otherwise.

16          MS. PARKER: Yes. Correct.

17          THE COURT: But it's not a very long delay.

18          MS. PARKER: Yes.

19          THE COURT: And it does give you the  
20       opportunity to say things in the way that you want  
21       to say things. And it also gives Mr. Burstein, on  
22       behalf of Mr. Bursor, the chance to go to other  
23       judges to say, I think that Judge Turnofsky got it  
24       wrong, and that Ms. Parker's complaint should be  
25       kept away from the public for a period of time so

1 that we can ask the Court to require her to take out  
2 portions that are improper. Do you understand?

3 MS. PARKER: I understand.

4 But also, I just want to say one more  
5 thing. They're specifically trying to move this  
6 through a different jurisdiction to hurt my  
7 complaint. Just to be clear, that's obviously what  
8 they're doing. Mr. Bursor and Mr. Burstein, they're  
9 moving it to a different jurisdiction. They've  
10 taken already two attorneys of mine to help me, but  
11 they're also now moving it to a different  
12 jurisdiction. And I just want to be clear that I  
13 will be absolutely prepared to follow the deadlines.  
14 I don't need a delay. I'm not sure what the delay  
15 actually means, because you know, I'm by myself, I'm  
16 pro se. So I'm not really sure why there would even  
17 be a delay, because I will be prepared to serve it  
18 in the time that it was due. And I know that their  
19 intent is to move it to a different jurisdiction to  
20 specifically hurt my complaint. So --

21 THE COURT: Well, look, I don't know what  
22 their intentions are. All I can say is that they  
23 have moved the case from state court to federal  
24 court.

25 MS. PARKER: Yeah.

1                   THE COURT: I don't know if they plan to  
2 try to move it from this federal court to a  
3 different federal court. I suppose --

4                   MR. BURSTEIN: We do not. We do not.

5                   THE COURT: Okay. Well, then if they have  
6 removed the case, it is permissible to move a case  
7 from state court to federal court when one party is  
8 from one state and the other party is a citizen of  
9 another state. My understanding is that you are a  
10 New York citizen.

11                  MS. PARKER: Yes. And so was Scott at the  
12 time --

13                  THE COURT: Mr. Bursor is currently a  
14 Florida citizen. I'm not sure about the citizenship  
15 of the professional association.

16                  MS. PARKER: At the time of the crime, he  
17 was living in New York City. We lived in a co-op  
18 together. We had a co-op approval in an apartment  
19 we lived in together. So at the times of the crimes  
20 that I'm addressing, he absolutely was. And his  
21 office is not a satellite office. It's his --

22                  THE COURT: Yeah, no, Ms. Parker, and I  
23 understand that, but this is sort of a technical  
24 legal question about not where he lived at the time,  
25 but where he's a citizen now.

1                   MS. PARKER: And I also want to say he  
2 doesn't even have 50 percent of his -- a lot of the  
3 things. So yesterday I was hit with 300 pieces of  
4 paperwork, and it claims that he's 50 percent --  
5 he's never been -- he's agreed, even responsible for  
6 his children. He signed off on that, like, 15 years  
7 ago. So a lot of the things that are being  
8 addressed to me are a lot of lies.

9                   THE COURT: Well, again, this is not about  
10 the truth of the --

11                  MS. PARKER: I don't need more time. I  
12 don't want more time.

13                  THE COURT: Okay. No, and I understand.  
14 So this isn't about -- right, remember we talked  
15 about the fact that today isn't about proving your  
16 claims --

17                  MS. PARKER: Yes.

18                  THE COURT: -- or even talking about what  
19 you will do to prove your claims or try to do to  
20 prove your claims. Today is just trying to talk  
21 about some technical but important issues about how  
22 the procedures are going to work for you filing the  
23 complaint.

24                  I do have a question, Mr. Bursor, before we  
25 go much further about, I guess, the citizenship of

1 the professional association.

2 MR. BURSTEIN: The professional association  
3 is unincorporated business. Under the case law,  
4 it's treated as essentially an LLC. The sole owner  
5 of the professional association is Mr. Bursor, who  
6 is a citizen of Florida.

7 THE COURT: Okay. Then if, you know, based  
8 on that understanding, then a defendant can remove a  
9 case from state court to federal court. You can  
10 challenge that with something called a request to  
11 remand the case. If you want it to go back to state  
12 court, you can make that application. The New York  
13 State Court is a good court. This court is a good.  
14 Both courts are places where I think that you  
15 substantively can be heard and get justice. But  
16 it's your decision whether or not you want to ask  
17 this court to send it back to that court.

18 So that is something that you can consider.  
19 If you are going to do that, you need to do it  
20 within 30 days of the date that the case was removed  
21 to federal court, which I believe is 30 days from  
22 January 11. That's my recollection. So you can  
23 make that request.

24 But let's put that aside for now, because  
25 what we're talking about now is the schedule on

1 which you're planning to and agreeing to file the  
2 complaint. And as the magistrate judge assigned to  
3 this case, I can tell you that it is okay, and I  
4 will put it on the record, I can change the deadline  
5 to February 29, 2024. And my intention is to do  
6 that.

7 My next question for you then, though, is  
8 are you willing to agree with Mr. Burstein that you  
9 will not file your complaint here before then?

10 MS. PARKER: Your Honor, I want to ensure  
11 that by moving to federal, Mr. Burstein can't use it  
12 against me. Appealing your ruling, otherwise, I  
13 intend to file my complaint on the day that it's  
14 due, January 31. And I don't need an extension. I  
15 don't see a reason for an extension.

16 THE COURT: Okay. So, you know, if you  
17 don't want an extension, I don't believe I can force  
18 you to grant an extension.

19 MS. PARKER: Yeah.

20 THE COURT: If your question is whether Mr.  
21 Burstein can take an appeal for my decision, because  
22 we're in federal court, yes, he can take an appeal  
23 for my decision because we're in federal court to a  
24 federal district judge and then to the Second  
25 Circuit Court of Appeals.

1                   He would equally, if he were in state  
2 court, have an ability to appeal any rulings by the  
3 state court judge to different courts, to different  
4 other judges.

5                   But the right to appeal is not something  
6 unique about federal court. It's something that we  
7 have both in federal court and in state court.

8                   So just to be clear, the reason that Mr.  
9 Burstein is suggesting an extension of time is that  
10 he wants to use that time to appeal my decision to  
11 ask a different judge to say, Ms. Parker needs to  
12 file her complaint privately and under seal so that  
13 the public can't see it for a period of time. And  
14 that is one of the things that he will do during the  
15 time between now and the time that you file your  
16 complaint, if you decide not to file it before  
17 February 29.

18                   There are also benefits to you of a delay  
19 and not filing the complaint until February 29,  
20 2024, it gives you more time and therefore puts you  
21 under less pressure. But only you can evaluate  
22 whether it's worth it to you to have that extra time  
23 and less pressure and agree not to file --

24                   MS. PARKER: More time. They're expediting  
25 things. And I'm pro se, obviously, and I'm dealing

1 with two powerful office attorneys, so it's just me  
2 against them. I don't need more time. I'd like to  
3 just follow the deadlines, like on pro se, on my  
4 e-file website, and the day that things are due. I  
5 think that's probably --

6 THE COURT: You're right. So, Mr.  
7 Burstein, it seems like a stipulation is off the  
8 table and that Ms. Parker doesn't want an extension.  
9 Sounds like her plan is to file on Monday. I, you  
10 know, will issue this order today.

11 You certainly can make an emergency  
12 application to Judge Clarke. And I will let her  
13 know that that's coming. And she'll decide what she  
14 decides, when she decides it. I don't have any  
15 influence on that.

16 MR. BURSTEIN: My only concern is, I'm  
17 concerned about -- I know Your Honor says you're  
18 going to get the report and recommendation out  
19 today, but I don't think I can even get to Judge  
20 Clarke until that's issued.

21 THE COURT: I understand. I mean, it's  
22 drafted. It'll be out within an hour.

23 MR. BURSTEIN: Oh, okay. Then thank you  
24 very much.

25 Okay. Thank you, Your Honor.

1                   MS. PARKER: Thank you, Your Honor. Thank  
2 you, Mr. Burstein.

3                   THE DEPUTY CLERK: Before either of you  
4 leave, if you can also please make your appearance  
5 by just stating your name that you are here.

6                   THE COURT: We just want that on the  
7 recording. Thanks.

8                   MR. BURSTEIN: Oh. Judd Burstein for the  
9 defendants.

10                  MS. PARKER: Angelica Parker.

11                  THE DEPUTY CLERK: Thank you so much.

12                  THE COURT: Is there anything I can do for  
13 any of you right now?

14                  MR. BURSTEIN: No. Thank you, Your Honor.

15                  MS. PARKER: No. Thank you, Your Honor.

16                  THE COURT: Thank you for your time. Bye.

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1                   C E R T I F I C A T E  
23                   I, Marissa Lewandowski, certify that the  
4 foregoing transcript of proceedings in the case of  
5 ANGELICA PARKER v. SCOTT BURSOR, et al. , Docket  
6 #1:24-cv-00245-JGLC-RFT, was  
7 prepared using digital transcription software and is  
8 a true and accurate record of the proceedings.

9

10

11                   Signature

*Marissa Lewandowski*

12

Marissa Lewandowski

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Date:           February 27, 2024

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